

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Eric J. Olson 37630 EJOlsonLaw 301 East Colorado Boulevard, Suite 520 Pasadena, California 91101 T: 818-245-2246 C: 626-224-5619 E: Eric@EJOlsonLaw.com</p>		<p>FOR COURT USE ONLY</p>	
<p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Leslie Klein</p>			
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</p>			
<p>In re: Leslie Klein</p>		<p>CASE NO.: 2:23-bk-10990-SK ADVERSARY NO.: 2:23-ad-01169-SK (if applicable) CHAPTER: 11</p>	
<p>Debtor(s).</p>			
<p>David Berger</p> <p>Plaintiff(s) (if applicable).</p> <p>vs.</p> <p>Leslie Klein</p> <p>Defendant(s) (if applicable).</p>		<p>AMENDED NOTICE OF APPEAL AND STATEMENT OF ELECTION (FRBP 8002(b)(3),(4))</p>	

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): Leslie Klein
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☒ Defendant
☐ Other (*describe*):

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☐ Creditor
☐ Trustee
☐ Other (*describe*):

Part 2: Identify the subject of this appeal

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:
Order Denying Motion for Relief from Judgment including Reconsideration (FRBP 9024) or New Trial (FRBP 9023)
2. State the date on which the judgment—or the appealable order or decree—was entered: 04/10/2024

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: David Berger
Attorney:
Baruch C. Cohen
4929 Wilshire Boulevard, Suite 940
Los Angeles, California 90010
323-937-4501


2. Party:
Attorney:

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: 04/23/2024

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

Baruch C. Cohen, Esq. (SBN 159455)
LAW OFFICE OF BARUCH C. COHEN
A Professional Law Corporation
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Los Angeles, California 90010
Tel: (323) 937-4501 Fax: (888) 316-6107
email: baruchcohen@baruchcohenesq.com

Attorney For Plaintiff David Berger

FILED & ENTERED

APR 10 2024

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY may DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re

LESLIE KLEIN,

Debtor and Debtor in Possession,

DAVID BERGER,

Plaintiffs

vs.

LESLIE KLEIN

Defendant

Case No. 2:23-bk-10990-SK

Chapter 11

Adv. No. 2:23-ap-01169-SK

Hon. Sandra R. Klein

**ORDER DENYING MOTION FOR RELIEF
FROM JUDGMENT INCLUDING
RECONSIDERATION (FRBP 9024) OR NEW
TRIAL (FRBP 9023)**

Date: 4-10-2024

Time: 9:00 a.m.

Place: 255 E. Temple Street, Los Angeles

Courtroom: 1575

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1 //At the above-captioned time and place, the Honorable Sandra R. Klein, United States
2 Bankruptcy Judge, heard and considered the Defendant / Judgment Debtor Leslie Klein's
3 ("Klein") "Motion for Relief from Judgment Including Reconsideration (FRBP 9024) and/or
4 New Trial (FRBP 9023) . . ." ("Motion") [Docket #69] regarding the "Amended Judgment for
5 Nondischargeability of Debt . . ." ("Judgment") [Docket #66] in the above-captioned adversary
6 proceeding. The Court also considered "David Berger's Opposition to Motion . . ."
7 ("Opposition") [Docket #73], the "Reply to Opposition . . ." ("Reply") [Docket #74], and the
8 "Declaration re 'Late Filing' of Reply . . ." [Docket #75].


9 Baruch Cohen ("Cohen") appeared on behalf of Plaintiff David Berger ("Plaintiff"). Eric
10 Olson ("Olson") appeared on behalf of Klein who was also present.

11 The Court, having considered the parties' pleadings, and the comments of Cohen and
12 Olson, the Court's oral rulings collectively constitute the findings required under Fed. R. Civ. P.
13 52(a)(1) made applicable by Fed. R. Bank. P. 7052, for the reasons stated on the record and for
14 good cause,

15 **IT IS ORDERED** that the Motion is **DENIED**.

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23 Date: April 10, 2024

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Sandra R. Klein
United States Bankruptcy Judge
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
301 East Colorado Boulevard, Suite 520, Pasadena, California 91101

A true and correct copy of the foregoing document entitled: **NOTICE OF APPEAL AND STATEMENT OF ELECTION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 04/23/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page


3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Sandra Klein
U.S. Bankruptcy Court
255 East Temple Street #1582
Los Angeles, California 90012

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

04/23/2024 Jasper Pantaleon
Date Printed Name


Signature

In re: LESLIE KLEIN Debtor(s) DAVID BERGER	Chapter: 11 Case No: 2:23-bk-10990-SK Adv. No: 2:23-ap-01169-SK
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I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

- Baruch C. Cohen bcc@baruchcohenesq.com,
paralegal@baruchcohenesq.com
- Michael I. Gottfried mgottfried@elkinskalt.com, cavila@elkinskalt.com,
lwageman@elkinskalt.com, docketing@elkinskalt.com
- Nikko Salvatore Stevens nikko@cym.law, mandi@cym.law
- United States Trustee (LA) ustpreion16.la.ecf@esdoj.gov

II. SERVED BY U.S. MAIL – VIA U.S. MAIL

Hon. Sandra Klein
U.S. Bankruptcy Court
255 E. Temple Street #1582
Los Angeles, California 90012